

DETAILED ACTION

In view of the Appeal Brief filed on 12/18/2009, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Richmond Dorvil/
Supervisory Patent Examiner, Art Unit 2626.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert B. Levy (Reg. No. 28,234) on 03/08/2010.

The application has been amended as follows:

In claim 23 (of claims filed 09/14/2009), page 7, after line 5, delete the *period* following "bit time." AND insert:

wherein said bit time is estimated by averaging a plurality of data stream pulse lengths and the time separating a first set of successive identified transitions is a first measurement of said estimated bit time.

Amended claim 23 should now read as:

23. A method of extracting digital audio data words from a serialized stream of digital audio data, comprising:

constructing a timing window from an estimated bit time for said serialized stream of digital audio data, said timing window having a preamble sub-window and at least one data sub-window;

extracting plural digital audio data words from said serialized stream of digital audio based upon the location of each transition in said serialized stream of digital audio data relative to said preamble sub-window and said at least one data sub-window of said timing window;

each one of said extracted plural digital audio data words having a preamble identifiable by a combination of at least one transition located in said preamble sub-

window of said timing window and at least one transition located in said at least one data sub-window of said timing window

estimating minimum and maximum bit window times;

constructing a bit window from said minimum and maximum bit window times;

identifying transitions in said serialized stream of digital audio data which occur within said constructed bit window, wherein the time separating a first set of successive identified transitions is a first measurement of said estimated bit time

wherein said bit time is estimated by averaging a plurality of data stream pulse lengths and the time separating a first set of successive identified transitions is a first measurement of said estimated bit time.

Allowable Subject Matter

2. Claims 1-24 are allowed.

After careful review of the arguments presented in the appeal brief as well as prior arguments, Examiner believes that the prior art taken alone or in combination fails to teach:

a method of extracting digital audio data words from a serialized stream of digital audio data...

wherein said bit time is estimated by averaging a plurality of data stream pulse lengths and the time separating a first set of successive identified transitions is a first measurement of said estimated bit time

Similarly in claim 24:

"identifying transitions in said serialized stream of digital audio data which occur within said constructed bit window, wherein the time separating a fast set of successive identified transitions is a first measurement of said estimated bit time

determining said estimated bit time from a running average of plural measurements of said estimated bit time"

3. Further, all arguments directed to claims 1-24 were considered in light of the specification and is believed to overcome the current references used for rejection, particularly the closest:

- Adams WO9816040 (Hereinafter Adams)
- Smyth et al. US 5956674 A (Hereinafter Smyth)
- Fletcher et al. EP0453063 (Hereinafter Fletcher)

The combination of Adams, Smyth, and Fletcher at best demonstrated a timing method to check for errors in an AES or bi-phase bit stream, wherein a pre-existing bit number would check to see if a number of bits has exceeded an expected point in time. The combined references do not appear to render obvious an estimation of a bit time as claimed in the present invention.

When searching for additional prior art for the limitation as recited in claim 1 for example, the most relevant topics pertained to material from the same Inventor and Assignee but did not teach or suggest the aforementioned limitation of the independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Colucci whose telephone number is (571)-270-1847. The examiner can normally be reached on 9:30 am - 6:00 pm, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael C Colucci/
Examiner, Art Unit 2626
Patent Examiner
AU 2626
(571)-270-1847
Examiner FAX: (571)-270-2847
Michael.Colucci@uspto.gov

/Richemond Dorvil/
Supervisory Patent Examiner, Art Unit 2626